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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,216	04/02/2004	Robert Gonsalves	A2004002	2414

26643 7590 03/19/2007  
PETER J. GORDON, PATENT COUNSEL  
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EXAMINER
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RAHMJOO, MANUCHER

ART UNIT	PAPER NUMBER
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2624

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/817,216	<b>Applicant(s)</b> GONSALVES ET AL.	
	<b>Examiner</b> Mike Rahmjoo	<b>Art Unit</b> 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (Official Gazette notice of 22 November 2005), Annex IV, reads as follows:

Nonfunctional descriptive material that does not constitute a statutory process, machine, manufacture or composition of matter and should be rejected under 35 U.S.C. Sec. 101. Certain types of descriptive material, such as music, literature, art, photographs and mere arrangements or compilations of facts or data, without any functional interrelationship is not a process, machine, manufacture or composition of matter. USPTO personnel should be prudent in applying the foregoing guidance. Nonfunctional descriptive material may be claimed in combination with other functional descriptive multi-media material on a computer-readable medium to provide the necessary functional and structural interrelationship to satisfy the requirements of 35 U.S.C. Sec. 101. The presence of the claimed nonfunctional descriptive material is not necessarily determinative of nonstatutory subject matter. For example, a computer that recognizes a particular grouping of musical notes read from memory and upon recognizing that particular sequence, causes another defined series of notes to be played, defines a functional interrelationship among that data and the computing processes performed when utilizing that data, and as such is statutory because it implements a statutory process.

Claims 1- 3 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. As per claim 1 applicant claims steps towards color correction on an image. Said steps, as further evident from the body of the claim which includes "storing", are computer implemented steps and descriptive material and present no functionality to satisfy the practical application requirement and does not impart functionality to a computer or computing device, and is thus considered nonfunctional descriptive material. Such nonfunctional descriptive material, in the absence of a functional interrelationship with a computer, does not constitute a statutory

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process, machine, manufacture or composition of matter and is thus non-statutory per se.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1- 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 1 and 4 applicant recites "...for each pixel to be corrected..." in the preamble. It is unclear how one may know of said pixel in advance due to the fact that said pixel is to be corrected which is a reflection of some process to happen in the future.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamakawa (US Patent 6654028) in view of Segal (US Patent 6791567).

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As per claims 1 and 4 and as to the broadest reasonable interpretation by examiner, Yamakawa teaches a computer readable medium and inherent program instructions see for example fig. 1 and column 27 line 64;

storing an input luminance value corresponding to a luminance of the pixel before color correction see for example the abstract and fig. 1;

performing a color correction operation on the pixel to provide color corrected components for the pixel see for example column 14 lines 32- 47 for color correction on the luminance and saturation;

determining an output luminance and output saturation corresponding to the color corrected components for the pixel see for example column 14 lines 32- 47 for the gain (corresponding to scaling factor) of input/ output characteristics of luminance and saturation;

scaling the output saturation by the scaling factor to provide a corrected saturation see for example column 14 lines 33- 47 for the lowering of color saturation relative to said luminance;

and using the input luminance and the corrected saturation (corresponding to reduced or lowered saturation) to provide values for the corrected pixel see for example fig. 8 and column 14 lines 19- 51 wherein the display device includes such a color gain control circuit for display.

However, Yamakawa does not explicitly teach determining a scaling factor according to a ratio of the input luminance to the output luminance.

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Segal teaches determining a scaling factor according to a ratio of the input luminance to the output luminance see for example fig. 5 step 505 and column 4 lines 6- 25;

It would have been made obvious to one of ordinary skilled in the art at the time the invention was made to incorporate the teachings of Segal into Yamakawa to have color corrected images using a scaling factor to set a value for the corrected image and therefore avoid washed out images by taking into account surface color and texture while giving the appearance of very bright surface see for example columns 1- 2.

As per claims 2 and 5 Yamakawa teaches the color correction operation on the pixel is a color matching operation whereby the pixel is modified to match at least a hue of a target color see for example column 27 lines 55- 65 for the corrections matching with characteristics of the respective signals corresponding to the matching with a hue of the target color.

As per claims 3 and 6 Yamakawa broadly teaches the corrected pixel is represented by a luminance component and chroma difference components (corresponding to the two color difference signals), and wherein scaling comprises scaling the chroma difference components of the corrected pixel (the two color signals in which the gain of the input/ output characteristics is increased corresponding to scaling the chroma difference components) see for example column 14 lines 19- 51.

***Response to Arguments***

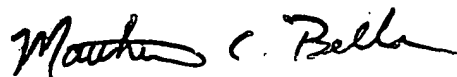
Applicant's arguments with respect to claims 1- 6 have been considered but are moot in view of the new ground(s) of rejection.

**Inquiry**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is 571-272-7789. The examiner can normally be reached on 8 AM- 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mike Rahmjoo

March 14, 2007

MATTHEW C. BELLA  
SUPERVISORY PATENT EXAMINER  
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